

United States District Court
Southern District of Ohio
Western Division

ROSE A. THOMAS,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:07-cv-782

Barrett, J.
Black, M.J.

**REPORT AND RECOMMENDATION¹ THAT THE PARTIES' JOINT REQUEST FOR
A SENTENCE SIX REMAND (Doc. 19) BE GRANTED, AND THIS CASE BE
THEREFORE TERMINATED UPON THE DOCKET**

For good cause shown, the undersigned **RECOMMENDS** that the parties' joint request for a sentence six remand (doc. 19) be **GRANTED** and this case be **TERMINATED UPON THE DOCKET** by entry of judgment pursuant to Federal Rule of Civil Procedure 58.

The undersigned **FURTHER RECOMMENDS** that, pursuant to the parties' joint request, upon remand, if the Defendant does not grant a fully favorable award to the Plaintiff, the case will be remanded to an Administrative Law Judge (ALJ), and the missing evidence from Exhibit 10F should be obtained. In addition, the issue of whether or not claimant performed substantial gainful activity (SGA) during the closed period at issue, should be clarified. The missing evidence referred to at Tr. 265 should be obtained at a *de novo* hearing.

Date: April 16, 2008

s/Timothy S. Black
Timothy S. Black
United States Magistrate Judge

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendation.

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NOTICE

Attached hereto is the Report and Recommended Decision of the Honorable Timothy S. Black, United States Magistrate Judge. Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten (10) days after being served with this Report and Recommendation. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen (13) days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by mail, and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within ten (10) days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).